

Appl. No. 10/694,562
Amdt. dated July 7, 2004
Reply to Office action of April 21, 2004

Applicant's layered structure providing an extremely durable pet toy is not disclosed or suggested by these references. The use of a bullet resistant material by Rocher does not suggest and cannot teach using such a material for a layer of the toy structure. Rocher suggests only the use of a bullet resistant material as a part of the EXTERNAL fastening device for securing a line to a pet toy. In view of applicant's clear disclosure of increased durability due to the layer of bullet resistant material within the pet toy, and the absence thereof from the references, this rejection is insufficient to prove obviousness. Accordingly, withdrawal of this rejection is respectfully requested.

Neither of these references suggest that the stronger bullet resistant fabric is used for larger animals as set forth on Page 4, Line 18 to Page 5, Line 1. The mere existence of these materials suggested, as set forth in the paragraph bridging Pages 3 and 4 of Office Action by the Examiner does NOT even suggest applicant's use and structure, let alone render the same obvious.

The failure of the references to teach applicant's other structure, renders applicant's addition of a noise maker patentable also. This is a rebuttal to the first full paragraph on Page 4.

While, applicant recognizes that multiple layers are known, what is not shown by the prior art is the use of bullet resistant layers to make a durable toy. This is a rebuttal to the second full paragraph on Page 4.

Applicant's attorney apologizes for the blank ninth page submitted. An inadvertent hard page was left in the prior response.

CONCLUSION

Accordingly, all rejections having been overcome by amendment or traversed by remarks, reconsideration and allowance of the instant application is respectfully requested. Applicant's attorney remains amenable to assisting the Examiner in the allowance of this application.

Applicant respectfully requests that a timely notice of

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allowance be issued in this case.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited
by facsimile to (703)872-9306 addressed to: Mail Stop Non-
Fee Amendment, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on or before July 20, 2004.


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